

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

DECISION & ORDER

15-CR-6173L

v.

EMMANUEL FEASTER,

Defendant.

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Defendant, Emmanuel Feaster (“Feaster”), has been charged with possession of a firearm and ammunition after having been convicted of a felony offense. This Court referred all pretrial matters to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b).

Feaster filed several motions, including a motion to dismiss the indictment, a motion to disclose grand jury minutes, and a motion to suppress evidence of recorded telephone calls allegedly made by Feaster while he was detained at the Monroe County Jail.

Magistrate Judge Payson issued a thorough Report and Recommendation (Dkt. #84). Magistrate Judge Payson determined that there was no basis to dismiss the indictment on grounds of grand jury irregularity and no basis to disclose grand jury minutes. In addition, for several reasons she determined there was no basis to suppress the recorded calls made by Feaster while in

custody at the Monroe County Jail. In conclusion, the Magistrate Judge recommended that all of defendant's several motions be denied.

Defense counsel submitted a letter dated December 8, 2017 (Dkt. #86) advising the Court that he would not be filing any objections to the Magistrate Judge's Report and Recommendation. Although there is no objection to the Magistrate Judge's Report and Recommendation, the Court has carefully reviewed the Report and Recommendation.


I accept and adopt the Report and Recommendation of United States Magistrate Judge Marian W. Payson in all respects. I find no basis to alter, modify or reject that Report and Recommendation, especially in light of the fact defense counsel has filed no objection. I agree with Magistrate Judge Payson that there is no basis to dismiss the indictment. The Magistrate Judge's decision clarifies certain matters relative to which grand jury was presented with evidence concerning Feaster. The Magistrate Judge correctly set forth ample legal authority supporting the recommendation that disclosure of grand jury minutes is not warranted. Finally, I believe the Magistrate Judge correctly determined that Feaster had no reasonable expectation of privacy in the calls made from the jail and that there was no impropriety in officials at the jail voluntarily turning over telephone calls to the Government in this case.

## **CONCLUSION**

I accept and adopt the Report and Recommendation of Magistrate Judge Marian W. Payson (Dkt. #84) in all respects.

Defendant's motion to dismiss the indictment, motion to disclose grand jury minutes and motion suppress of evidence of recorded telephone calls (Dkt. #73) are in all respects denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is positioned above a horizontal line.

DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
December 15, 2017.